

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CSX CORPORATION,

Plaintiff,

V.

THE CHILDREN'S INVESTMENT FUND
MANAGEMENT (UK) LLP, THE CHILDREN'S
INVESTMENT FUND MANAGEMENT
(CAYMAN) LTD., THE CHILDREN'S
INVESTMENT MASTER FUND, 3G CAPITAL
PARTNERS LTD., 3G CAPITAL PARTNERS, L.P.,
3G FUND, L.P., CHRISTOPHER HOHN, SNEHAL
AMIN, AND ALEXANDRE BEHRING, A/K/A
ALEXANDRE BEHRING COSTA,

Defendants.

THE CHILDREN'S INVESTMENT MASTER
FUND,

Counterclaim and
Third-Party Plaintiff,

V.

CSX CORPORATION AND MICHAEL J. WARD,

Counterclaim and Third-Party Defendants.

3G CAPITAL PARTNERS LTD., 3G CAPITAL PARTNERS, L.P. AND 3G FUND, L.P.

Counterclaim Plaintiffs,

V.

CSX CORPORATION AND MICHAEL WARD,

Counterclaim and Third-Party Defendants.

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, the Affirmation of David K. Momborquette, Esq., sworn to on May 19, 2008, and all prior pleadings and proceedings had herein, Defendants The Children's Investment Fund Management (UK) LLP, The Children's Investment Fund Management (Cayman) Ltd., The Children's Investment Master Fund, Christopher Hohn, and Snehal Amin will move this Court before the Honorable Lewis A. Kaplan, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse located at 500 Pearl Street, New York, New York, on a date and at a time to be determined by the Court, to strike portions of the Witness Statement of Alan Miller.

Dated: New York, New York
May 19, 2008

SCHULTE ROTH & ZABEL LLP

By: /s/ Howard O. Godnick
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Management (Cayman) Ltd., The Children's
Investment Master Fund, Christopher Hohn,
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